

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jennifer Melin, et al.	Examiner:	Chad S. Dickerson
Serial No.:	10/633,076	Group Art Unit:	2625
Filed:	August 1, 2003	Docket No.:	200308666-1
Title:	System and Method for Dynamically Controlling Access to Configuration Attributes for a Printing Device		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed November 26, 2008 and Notice of Appeal mailed March 26, 2009.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences known to Appellant, Appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 – 18 are pending in the application and stand finally rejected. The rejection of claims 1 – 18 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were made after receipt of the Final Office Action. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R.

§ 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

Claim 1

A method for dynamically controlling access to configuration attributes for a printing device, comprising the steps of (FIG. 1 is a flow chart illustrating a method for dynamically controlling access to a printing device's configuration attributes: p. 3, lines 2-4.):

receiving a request for the printing device's configuration attributes at the printing device and the request is received from a requesting device (As shown in block 10, a request is received for the printing device's configuration attributes at the printing device. This request can be received from a requesting device such as a desktop computer, wireless PDA, wireless phone, and the originator of the request may be a user, network administrator, or software program on the requesting device: p. 3, line 31 – p. 4, line 1.);

making a run-time determination in the printing device of the configuration attributes supported by the printing device (Another operation included in the present invention is the operation of making a run-time determination of configuration attributes supported by the printing device, as shown in block 12: p. 4, lines 7-9.);

identifying markup language code embedded in the printing device associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device (After the run-time determination of configuration attributes is made, markup language code associated with the configuration attributes supported and unsupported by the printing device are identified, as illustrated in block 14: p. 4, lines 19-21; p. 6, lines 20-28.); and

transmitting the markup language code that is associated with the configuration attributes supported by the printing device, from the printing device to the requesting device and excluding the markup language code that is unsupported by the printing device, wherein the markup language code can enable an active user interface (The present invention also includes the operation of transmitting the markup language code that is associated with the configuration attributes supported by the printing device to the requesting device, as in block 16: p. 4, lines 29-31; p. 6, lines 20-28.).

Claim 2

A method as in claim 1, wherein the markup language code that is unsupported by the printing device is excluded by disabling links to the markup language code that is unsupported by the printing device (One method is that the links to the unsupported markup language code can be disabled: p. 6, lines 30-31).

Claim 3

A method as in claim 1, wherein the printing device prohibits transmission to the requesting device of the markup language code that is unsupported by the printing device (Alternatively, the printing device can simply prohibit the transmission of unsupported markup language code: p. 6, lines 32-33).

Claim 11

A system for dynamically determining configuration attributes for a printing device, comprising (FIG. 4 is a block diagram illustrating a system for dynamically controlling access to a printing device's configuration attributes over a network: p. 3, lines 10-11.):

markup language code (Fig. 4, 208) stored on the printing device (Fig. 4, 200), the markup language code being configured to describe and update the printing device's configuration attributes (Markup language code describes the configuration attributes of multiple printing devices: p. 3, lines 22-23.);

an embedded application (Fig. 4, 206) in communication with the printing device and integrated into the printing device, wherein the embedded application is configured

to make a run-time determination of which markup language code corresponds to supported configuration attributes of the printing device and which markup language code corresponds to unsupported configurations attributes of the printing device, wherein the markup language code can enable an active user interface (Another operation included in the present invention is the operation of making a run-time determination of configuration attributes supported by the printing device, as shown in block 12: p. 4, lines 7-9.); and

a communication module (Fig. 4, 210) associated with the printing device, and the communication module is configured to receive requests for configuration attributes and transmit the markup language code that corresponds to the supported configuration attributes of the printing device (The network browser located in a requesting device 214 can send a request for the printing device configuration data over a network 202. The request is received through the communication module 210 at the printing device 204: p. 8, lines 4-6).

Claim 12

A system as in claim 11, wherein the markup language code that corresponds to unsupported configuration attributes is excluded from being transmitted to a device requesting the configuration attributes (For example, one printing device may support printer control language (PCL) while another printing device does not. If the markup language code that corresponds to PCL options and settings is included by default, then a printing device that does not support PCL can exclude this markup language code at run time: p. 6, lines 21-24.).

Claim 16

A system for dynamically updating a printing device's configuration attributes, comprising (FIG. 4 is a block diagram illustrating a system for dynamically controlling access to a printing device's configuration attributes over a network: p. 3, lines 10-11.):

a printing means for printing (Example means is a printing device 204 shown in Fig. 4);

a markup language code means for describing configuration attributes, wherein the markup language code means is stored on the printing means and can enable an active user interface (Example means is markup language code 208 shown in Fig. 4. (Markup language code describes the configuration attributes of multiple printing devices: p. 3, lines 22-23.));

an embedded application means stored in the printing means, wherein the embedded application means is for making a run-time determination of which markup language code corresponds to the configuration attributes supported by the printing means and which markup language code corresponds to unsupported configurations attributes of the printing means (Example means is embedded application 206 shown in Fig. 4. (The present invention also includes the operation of transmitting the markup language code that is associated with the configuration attributes supported by the printing device to the requesting device, as in block 16: p. 4, lines 29-31; p. 6, lines 20-28.)); and

a communication module means in the printing means, wherein the communication module means is for receiving requests for the configuration attributes and transmits markup language code corresponding to configuration attributes supported by the device (Example means is communication module 210 shown in Fig. 4. The network browser located in a requesting device 214 can send a request for the printing device configuration data over a network 202. The request is received through the communication module 210 at the printing device 204: p. 8, lines 4-6.).

Claim 18

A computer usable medium having computer readable program code embodied therein for dynamically controlling access to configuration attributes for a printing device, the computer readable program code means in the article of manufacture comprising (FIG. 1 is a flow chart illustrating a method for dynamically controlling access to a printing device's configuration attributes: p. 3, lines 2-4.):

computer readable program code for receiving a request for the printing device's configuration attributes (As shown in block 10, a request is received for the printing device's configuration attributes at the printing device. This request can be received from

a requesting device such as a desktop computer, wireless PDA, wireless phone, and the originator of the request may be a user, network administrator, or software program on the requesting device: p. 3, line 31 – p. 4, line 1.);

computer readable program code to operate on the printing device for making a run-time determination of configuration attributes supported by the printing device (Another operation included in the present invention is the operation of making a run-time determination of configuration attributes supported by the printing device, as shown in block 12: p. 4, lines 7-9.);

computer readable program code for identifying markup language code associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device, wherein the markup language code can enable an active user interface (After the run-time determination of configuration attributes is made, markup language code associated with the configuration attributes supported and unsupported by the printing device are identified, as illustrated in block 14: p. 4, lines 19-21; p. 6, lines 20-28.); and

computer readable program code for transmitting the markup language code that is associated with the configuration attributes supported by the printing device to a requesting device and for excluding the markup language code that is unsupported by the printing device (The present invention also includes the operation of transmitting the markup language code that is associated with the configuration attributes supported by the printing device to the requesting device, as in block 16: p. 4, lines 29-31; p. 6, lines 20-28.).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 – 15 and 18 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 6, 9-11, 13, 15, 16, and 18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman) and US publication number 2003/0126219 (Tanimoto).

Claim 5 is rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman), US publication number 2003/0126219 (Tanimoto), USPN 6,820,067 (Hammond), and US publication number 2003/0048470 (Garcia).

Claims 7, 8, 12, and 17 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman), US publication number 2003/0126219 (Tanimoto), and US publication number 2003/0048470 (Garcia).

Claim 14 is rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman), US publication number 2003/0126219 (Tanimoto), and US publication number 2003/0182367 (Ohara).

VII. ARGUMENT

The rejection of claims 1 – 18 is improper, and Appellants respectfully request reversal of these rejections.

The claims do not stand or fall together. Instead, Appellants present separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

Claim Rejections: 35 USC § 112

Claims 1 – 15 and 18 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are traversed.

First, the examiner argues that claim 1, 11, and 18 are indefinite because the recite “wherein the markup language code can enable an active user interface.” More specifically, the examiner argues that one skilled in the art would not be able to determine which of the two markup languages enable an active user interface.

Section 2173.02 of the MPEP is particularly instructive with regard to definiteness (emphasis added):

Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure ... and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

One skilled in the art would read the specification and readily be able to determine that the markup language transmitted from the printing device to the requesting device enables an active user interface. In fact, claim 1 positively recites that the markup language associated with the configuration attributes is the markup language being

transmitted from the printing device to the requesting device. As expressly recited in the claim, unsupported markup language is not transmitted.

Furthermore, the specification clearly supports the language of claim 1 and the notion that the markup language transmitted from the printing device to the requesting device enables an active user interface. The specification states as follows:

The present invention also includes the operation of transmitting the markup language code that is associated with the configuration attributes supported by the printing device to the requesting device, as in block 16. When the printing device is accessed through a web browser, the printing device transmits markup language code that can be displayed in the browser. If the printing device's configuration attributes are accessed through device driver software on the external computer, the printing device transmits markup language code that can be displayed through the device driver software. In general terms, a device configuration interface can be generated to display the printing device's configuration attributes by including markup language code that is associated with the configuration attributes supported by the printing devices. For example, HTML code can be combined with database information about the printing device's configuration attributes to create an active user interface. {See p. 4, line 29 – p. 5, line 6}.

Second, the Examiner argues that claims 1 and 18 are indefinite for reciting “excluding the markup language code that is unsupported by the printing device.” More specifically, the Examiner argues that it is not clear what the unsupported markup language is excluded from.

One skilled in the art would clearly ascertain that unsupported markup language is excluded from transmission. The recitations in question occur in the claim element of “transmitting” markup language code to the requesting device. This claim element recites which markup language code is transmitted and which markup language code is excluded from transmission. As recited in the claim, markup language code associated with the

configuration attributes supported by the printing device is transmitted, and markup language code unsupported by the printing device is excluded.

Furthermore, the specification clearly supports the language of claims 1 and 18 that unsupported markup language is excluded from transmission. The specification states as follows:

Some printing devices support different configuration attributes than other printing devices. For example, one printing device may support printer control language (PCL) while another printing device does not. If the markup language code that corresponds to PCL options and settings is included by default, then a printing device that does not support PCL can exclude this markup language code at run time. On the other hand, if the markup language code associated with PCL is excluded by default, the printing device that supports PCL would include this markup language code at run time. Excluding markup language code prevents a user from accessing the markup language code, but including markup language code provides a user with access to the code and printing device's configuration attributes.

Several different mechanisms are available for including or excluding markup language code at run time.... Alternatively, the printing device can simply prohibit the transmission of unsupported markup language code. {See p. 6, lines 20 – 33: portions omitted for brevity}.

In view of the teachings in the specification and express recitations in the claims, Appellants respectfully ask the BPAI to reverse these rejections.

Claim Rejections: 35 USC § 103(a)

Claims 1-4, 6, 9-11, 13, 15, 16, and 18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman) and US publication number 2003/0126219 (Tanimoto). These rejections are traversed.

Principles of Law: Claim Construction

During examination of a patent application, pending claims are given their broadest reasonable construction consistent with the specification (see *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969); *In re Am. A cad. a/Sci.Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)).

Although a patent applicant is entitled to be his or her own lexicographer of terms in a claim, in *ex parte* prosecution the lexicography must be within limits. *In re Carr*, 347 F.2d 578, 580 (CCPA 1965). The applicant must do so by placing such definitions in the specification with sufficient clarity to provide a person of ordinary skill in the art with clear and precise notice of the meaning that is to be construed. *See also In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (although an inventor is free to define the specific terms used to describe the invention, this must be done with reasonable clarity, deliberateness, and precision; where an inventor chooses to give terms uncommon meanings, the inventor must set out any uncommon definition in some manner within the patent disclosure so as to give one of ordinary skill in the art notice of the change).

Principles of Law: Obviousness

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007):

Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385.

According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Differences Between the Art and Claims

Each of the independent claims recites one or more elements that are not taught or suggested in Yeung in view of Brossman and Tanimoto. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

These differences are shown below and presented with separate headings for different claim groups.

Sub-Heading: Independent Claims 1, 11, 16, and 18

Claim 1 is selected for discussion.

As one example, independent claim 1 recites identifying markup language code embedded in the printing device associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device. Yeung in view of Brossman and Tanimoto does not identify both markup language code associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device.

In Yeung, an EEPROM stores printer-related information that can be provided to the print driver to inform the computing equipment of parameters of the printer (see Yeung at column 5, lines 47-51). Nowhere does Yeung teach or even suggest that the printer identifies both markup language code associated with the configuration attributes “supported” by the printing device and markup language code embedded in the printing device “unsupported” by the printing device.

Brossman is generally directed to device independent print job ticketing and fails to cure the deficiencies of Yeung.

Tanimoto is generally directed to transmitting formed device setting form-data as an email and fails to cure the deficiencies of Yeung.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable.

As another example, claim 1 recites transmitting the markup language code that is associated with the configuration attributes supported by the printing device and excluding the markup language code that is unsupported by the printing device. Yeung in view of Brossman and Tanimoto does not transmit markup language code supported by the printing device and also exclude markup language code unsupported by the printing device.

In Yeung, an EEPROM stores printer-related information that can be provided to the print driver to inform the computing equipment of parameters of the printer (see Yeung at column 5, lines 47-51). Nowhere does Yeung teach or even suggest transmitting markup language code supported by the printing device and also excluding markup language code unsupported by the printing device.

Brossman is generally directed to device independent print job ticketing and fails to cure the deficiencies of Yeung.

Tanimoto is generally directed to transmitting formed device setting form-data as an email and fails to cure the deficiencies of Yeung.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable.

Response to Examiner's Arguments

The Examiner argues that the universal printer description file (140) in Yeung corresponds to the claimed "markup language code" that includes attributes supported by the printing device and unsupported by the printing device. Appellants respectfully disagree.

By way of background, markup language code in a printer is low level language programming code that describes the printer's configuration attributes (see Appellants' specification at p. 2, lines 9 – 11). Configuration attributes include the settings, options, properties, and other configuration data that are supported by the printing device (see p. 6, lines 11 – 19 for more detailed explanation of configuration attributes). Markup language describes how text is structured, formatted, and presented for each type of printer. This code is specific for different models, series, or even versions of printers (p. 3, lines 23 – 24).

The universal printer description file (140) in Yeung includes markup language code only for the particular printer in which the code is located. In other words, the universal printer description file in Yeung is not able to identify both markup language code associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device. **The file (140) in Yeung can only identify configuration attributes supported by the printer storing the file.**

The Examiner cites the UIconstraints in Yeung as being the markup language code that identifies configuration attributes that are unsupported. This statement is not true. The UIconstraints are actually attributes that are supported by the printer since the printer in fact reads these constraints to determine such information as “the maximum number of copies allowed, the maximum binding margin allowed, the face direction of the printing medium, the paint mode allowed, the printer paper names allowed, the fixing mode allowed, the registration mode allowed, the color calibration allowed and the paper layouts allowed” (see Yeung at column 8, lines 55 – 62). The markup language stored in the printer is read to determine these UIconstraints. Therefore, these constraints are actually supported by the printer. Granted, some of these UIconstraints identify constraints with limits on user functionality (i.e., describe what the printer cannot do), they are nonetheless readable as constraints for the specific printer.

Sub-Heading: Dependent Claim 2

Dependent claim 2 recites markup language code that is unsupported by the printing device is excluded by disabling links to the markup language code that is unsupported by the printing device. Yeung in view of Brossman and Tanimoto does not teach or suggest this claim element.

As explained above, the universal printer description file (140) in Yeung only includes markup language code for configuration attributes supported by the printing device. Nowhere does Yeung teach or even suggest markup language code that is unsupported by the printing device.

The Examiner cites Yeung at column 8, lines 52 – 62, but this section of Yeung actually supports the position of the Appellants. This section of Yeung teaches constraints that are stored and read to determine “the maximum number of copies allowed, ... the color calibration allowed, and the paper layouts allowed.” Yeung determines these constraints by reading the markup language code for these attributes.

Sub-Heading: Dependent Claim 3

Dependent claim 3 recites the printing device prohibits transmission to the requesting device of the markup language code that is unsupported by the printing device. Yeung in view of Brossman and Tanimoto does not teach or suggest this claim element. The Examiner cites Brossman at paragraphs [0027] – [0036] for allegedly teaching these recitations. Appellants respectfully disagree.

Paragraphs [0027] – [0036] in Brossman are related to an operator determining whether specified settings for a job ticket will be correctly produced on a selected printer. This determination is not related to markup language code (remember, this code is low level code describes the printer’s configuration attributes). The Examiner is taking text in Brossman completely out of context with regard to the language in claim 3. Claim 3 is reciting elements about a printing device prohibiting transmission of markup language code that is not supported by the printing device. The cited sections of Brossman are unrelated to these recitations citing markup language code.

Sub-Heading: Dependent Claim 12

Dependent claim 12 recites the markup language code that corresponds to unsupported configuration attributes is excluded from being transmitted to a device requesting the configuration attributes.

The Examiner cites Yeung at column 8, lines 52 – 62. This section of Yeung actually supports the position of the Appellants (i.e., that Yeung only teaches storing markup language that corresponds to configuration attributes that are supported by the printer). This section of Yeung teaches constraints that are stored and read to determine “the maximum number of copies allowed, ... the color calibration allowed, and the paper layouts allowed.” Yeung determines these constraints by reading the markup language code for these attributes. Thus, these constraints are supported by the printer.

The universal printer description file (140) in Yeung includes markup language code only for the particular printer in which the code is located. In other words, the universal printer description file in Yeung is not able to identify both markup language code associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device. **The file (140) in Yeung can only identify configuration attributes supported by the printer storing the file.**

Yeung does not store markup language code that corresponds to unsupported configuration attributes.

Claim Rejections: 35 USC § 103(a)

Claim 5 is rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman), US publication number 2003/0126219 (Tanimoto), USPN 6,820,067 (Hammond), and US publication number 2003/0048470 (Garcia). These rejections are traversed.

As explained above, Yeung in view of Brossman and Tanimoto fail to teach or suggest all of the elements of independent claim 1. Hammond and Garcia fail to cure these deficiencies. For at least the reasons given with respect to independent claim 1, dependent claim 5 is allowable over Yeung in view of Brossman, Tanimoto, Hammond, and Garcia.

Claim Rejections: 35 USC § 103(a)

Claims 7, 8, 12, and 17 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman), US publication number 2003/0126219 (Tanimoto), and US publication number 2003/0048470 (Garcia). These rejections are traversed.

As explained above, Yeung in view of Brossman and Tanimoto fail to teach or suggest all of the elements of the independent claims. Garcia fails to cure these deficiencies. For at least the reasons given with respect to the independent claims, respective dependent claims 7, 8, 12, and 17 allowable over Yeung in view of Brossman, Tanimoto, and Garcia.

Claim Rejections: 35 USC § 103(a)

Claim 14 is rejected under 35 USC § 103(a) as being unpatentable over USPN 6,426,798 (Yeung) in view of US publication number 2005/0179921 (Brossman), US publication number 2003/0126219 (Tanimoto), and US publication number 2003/0182367 (Ohara). These rejections are traversed.

As explained above, Yeung in view of Brossman and Tanimoto fail to teach or suggest all of the elements of the independent claims. Ohara fails to cure these deficiencies. For at least the reasons given with respect to independent claim 11, dependent claim 14 is allowable over Yeung in view of Brossman, Tanimoto, and Ohara.

CONCLUSION

In view of the above, Appellants respectfully request the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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VIII. Claims Appendix

1. A method for dynamically controlling access to configuration attributes for a printing device, comprising the steps of:

receiving a request for the printing device's configuration attributes at the printing device and the request is received from a requesting device;

making a run-time determination in the printing device of the configuration attributes supported by the printing device;

identifying markup language code embedded in the printing device associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device; and

transmitting the markup language code that is associated with the configuration attributes supported by the printing device, from the printing device to the requesting device and excluding the markup language code that is unsupported by the printing device, wherein the markup language code can enable an active user interface.

2. A method as in claim 1, wherein the markup language code that is unsupported by the printing device is excluded by disabling links to the markup language code that is unsupported by the printing device.

3. A method as in claim 1, wherein the printing device prohibits transmission to the requesting device of the markup language code that is unsupported by the printing device.

4. A method as in claim 1, wherein the run-time determination occurs when the printing

device boots up or when the request is made for the configuration attributes.

5. A method as in claim 1, further comprising the steps of parsing an XML tree containing the printing device's configuration attributes and using the XML tree to create an HTML page that displays the printing device's configuration attributes.

6. A method as in claim 1, wherein the step of identifying markup language code further comprises the step of identifying markup language code associated with an individual configuration attribute supported by the printing device.

7. A method as in claim 1, wherein the step of receiving a request for the printing device's configuration attributes further comprises the step of receiving the request for the printing device's configuration attributes from a network browser into a printing device's embedded web server over a network.

8. A method as in claim 7, further comprising the step of using a local area network or World Wide Web of the Internet as the network.

9. A method as in claim 1, further comprising the step of generating a device configuration interface to display the printing device's configuration attributes by including markup language code that is associated with the configuration attributes supported by the printing device.

10. A method as in claim 1, wherein the step of receiving a request for the printing device's configuration attributes further comprises the step of receiving a request for configuration attributes from a device driver for a printing device.

11. A system for dynamically determining configuration attributes for a printing device, comprising:

markup language code stored on the printing device, the markup language code being configured to describe and update the printing device's configuration attributes;

an embedded application in communication with the printing device and integrated into the printing device, wherein the embedded application is configured to make a run-time determination of which markup language code corresponds to supported configuration attributes of the printing device and which markup language code corresponds to unsupported configurations attributes of the printing device, wherein the markup language code can enable an active user interface; and

a communication module associated with the printing device, and the communication module is configured to receive requests for configuration attributes and transmit the markup language code that corresponds to the supported configuration attributes of the printing device.

12. A system as in claim 11, wherein the markup language code that corresponds to unsupported configuration attributes is excluded from being transmitted to a device requesting the configuration attributes.

13. A system as in claim 11, wherein the run-time determination of the markup language code refers to a time when the markup language code is executed for the first time.

14. A system as in claim 11, wherein the markup language code includes Meta commands to a web server to instruct on including or excluding markup language code at run-time.

15. A system as in claim 11, wherein the markup language code includes XML code.

16. A system for dynamically updating a printing device's configuration attributes, comprising:

- a printing means for printing;

- a markup language code means for describing configuration attributes, wherein the markup language code means is stored on the printing means and can enable an active user interface;

- an embedded application means stored in the printing means, wherein the embedded application means is for making a run-time determination of which markup language code corresponds to the configuration attributes supported by the printing means and which markup language code corresponds to unsupported configurations attributes of the printing means; and

- a communication module means in the printing means, wherein the

communication module means is for receiving requests for the configuration attributes and transmits markup language code corresponding to configuration attributes supported by the device.

17. A system as in claim 16, wherein the communication module means is an embedded web server.

18. A computer usable medium having computer readable program code embodied therein for dynamically controlling access to configuration attributes for a printing device, the computer readable program code means in the article of manufacture comprising:

computer readable program code for receiving a request for the printing device's configuration attributes;

computer readable program code to operate on the printing device for making a run-time determination of configuration attributes supported by the printing device;

computer readable program code for identifying markup language code associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device, wherein the markup language code can enable an active user interface; and

computer readable program code for transmitting the markup language code that is associated with the configuration attributes supported by the printing device to a requesting device and for excluding the markup language code that is unsupported by the printing device.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.